



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JOHN WILLOCK AND KELLY WILLOCK, <i>as</i>)	
<i>Guardians on behalf of Colton Willock, adult,</i>)	
<i>Plaintiffs,</i>)	
)	1:14-cv-379-JMS-DML
<i>vs.</i>)	
)	
MATTHEW HICKEY, <i>individually</i> , BRANDON)	
RAFTERY, <i>individually</i> ,)	
<i>Defendants.</i>)	

ORDER

On March 11, 2014, Plaintiffs filed a Complaint against Defendants Lawrence Police Department, Matthew Hickey, and Brandon Raftery. [[Filing No. 1](#).] On April 28, 2014, Defendants filed an Answer, [[Filing No. 11](#)], and filed a Motion for Partial Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c), [[Filing No. 12](#)], alleging that Plaintiffs' individual claims and their *Monell* claim against Lawrence Police Department should be dismissed, [[Filing No. 13](#)].

After receiving extensions, Plaintiffs' response to the pending motion was due on July 11, 2014. [[Filing No. 22](#).] On that date, Plaintiffs filed an Amended Complaint that omits their individual claims and any claim against Lawrence Police Department. [[Filing No. 22](#).] Although Rule 15(a)(1)(B) allows a party to amend its pleading once as a matter of course in response to certain Rule 12 motions, a motion filed under Rule 12(c) is not one of them. Thus, "[i]n all other cases, a party may amend its pleadings only with the opposing party's written consent or the court's leave." Fed. R. Civ. Pro. 15(a)(2). There is no indication that Defendants consent to Plaintiffs' amendment. That said, Rule 15(a)(2) also provides that the Court "should freely give leave [to amend] when justice so requires," and the Court concludes that this is such a

circumstance since Plaintiffs' Amended Complaint addresses the issues raised by Defendants in their Motion for Judgment on the Pleadings.

For these reasons, the Court directs the Clerk to **TERMINATE** Defendant Lawrence Police Department as a party to this litigation, **UPDATE** the caption on the docket consistent with the caption on this entry, and **DENY AS MOOT** Defendants' Motion for Judgment on the Pleadings, [[Filing No. 12](#)]. Plaintiffs' Amended Complaint will be deemed filed **AS OF TODAY**, and Defendants may answer or otherwise respond to that pleading in any appropriate manner contemplated by the Federal Rules of Civil Procedure.

Distribution via ECF only:

Douglas A. Crawford
BENKIE & CRAWFORD
dacrawford60@aol.com

Scott Allen Benkie
BENKIE & CRAWFORD
sabenkie@aol.com

Ian L. Stewart
STEPHENSON MOROW & SEMLER
istewart@stephlaw.com

James S. Stephenson
STEPHENSON MOROW & SEMLER
jstephenson@stephlaw.com